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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SKED, MATTHEW J	

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/879,313	HIRSCHBERG ET AL.	
	Examiner	Art Unit	
	Matthew J Sked	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 1, line 8, ""entities one or more electronic formats" should be changed to –entities in one or more electronic formats--.

Appropriate correction is required.

Claim Objections

2. Claim 5 is objected to because of the following informalities: the last line should be changed to –by the one **or** more users— (emphasis added).

3. Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 12 simply recites the third limitation of claim 8.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claim 5 recites the limitation "the audio files" in the first line. There is insufficient antecedent basis for this limitation in the claim. Independent claim 1, to which claim 5

refers, does not mention audio files. For the purposes of examination it will be assumed that claim 5 should depend upon claim 4.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3, 6 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al. (U.S. Pat. 6,789,060) in view of Reynar et al. (U.S. Pat. 6,446,041).

As per claims 1 and 16, Wolfe teaches a method for processing voicemail messages, the method comprising:

transcribing a plurality of voicemail messages to produce a plurality of voicemail message transcripts (converts the dictation information into text where the input can be a interactive telephony application hence suggesting a voicemail system, col. 6, lines 22-29 and col. 4, lines 29-37);

indexing the plurality of voicemail messages transcripts (indexes the documents according to their current status and selectable subdirectories, col. 8, lines 32-51 and 57-65);

providing the voicemail message transcripts to one or more users (provides the text corresponding to speech to the user at the transcription station, col. 7, lines 22-28);

receiving at least one selection action from one or more of the users (edits the received text, necessarily performing a selection action, col. 7, lines 22-28); and

providing the one or more voicemail message transcripts to the one or more parties specified by the one or more users (transcriptionist alters the distribution information, col. 7, lines 41-46).

Wolfe does not teach the at least one selection action is identifying at least a portion of one or more of the voicemail message transcripts for delivery to one or more parties.

Reynar teaches a speech to text system that selects a portion of the text that was generated from the speech for synthesis (col. 4, lines 39-51).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe to select only a portion of the message as taught by Reynar to deliver to one or more parties because this would allow the user to send only the errorless text, hence providing less confusion for the recipient.

8. As per claims 3 and 18, Wolfe and Reynar do not teach the selection portion of the one or more voicemail message transcripts comprises a plurality of non-contiguous portions of one or more voicemail message transcripts.

However, the Examiner takes Official Notice that non-contiguous selection of text is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe and Reynar so that the selected portion comprises a plurality of con-contiguous portions because it would allow

multiple sections of the text to be selected by the user simultaneously hence making the system more versatile for the user.

9. As per claim 6, Wolfe teaches sending the text by electronic mail (forwarded to a final destination via e-mail, col. 5, lines 51-56).

10. As per claim 17, Wolfe teaches the transcription is performed by automatic speech recognition (col. 4, lines 29-37).

11. As per claim 19, Wolfe does not teach the portion of the at least one speech message is less than a selection of the entire speech message.

Reynar teaches the selected portion is less than the entire speech message (selects a portion of text and displays this text in a different color to differentiate it from the rest of the text hence the selected portion is less than the entire message, col. 4, lines 39-51).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe so the selected portion is less than the entire speech message as taught by Reynar since the sent message would be smaller hence saving transmission time.

12. Claims 2, 4, 5, 7-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe in view of Reynar and taken in further view of Davidson et al. (U.S. Pat. 6,775,360).

As per claims 2 and 20, Reynar teaches playing audio corresponding solely to the portion of the text selected by the user (col. 4, lines 39-51).

Wolfe and Reynar do not teach audio files of the voicemail messages are provided to the one or more parties specified by the one or more users.

Davidson teaches a messaging system that converts a voicemail message to email and sends the audio voicemail file along with the text (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe and Reynar to provide audio files to the recipient parties because it would enable the voice message to be indexed and searched as taught by Davidson (col. 1, lines 44-53).

13. As per claim 4, Wolfe and Reynar do not teach the voicemail message transcripts are audio files selected from one of mpx format, .wav format, a real audio format and an .mpg format.

Davidson teaches sending an audio voicemail file along with the text to the recipient where the audio file is in .wav format (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe and Reynar to provide audio files to the recipient parties in wave files because it would enable the voice message to be indexed and searched as taught by Davidson (col. 1, lines 44-53). .WAV files are a well-known audio format and would have been obvious to use.

14. As per claim 5, Wolfe does not teach the audio files only contain audio of the portion selected by the one or more users.

Reynar teaches playing audio corresponding solely to the portion of the text selected by the user (col. 4, lines 39-51).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe so that the audio files only contain audio of the portion selected as taught by Reynar because this would give a smaller audio file that would be easier to send via email.

15. As per claim 7, Wolfe and Reynar do not teach audio files of the voicemail messages are provided to the one or more parties specified by the one or more users.

Davidson teaches a messaging system that converts a voicemail message to email and sends the audio voicemail file along with the text (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe and Reynar to provide audio files to the recipient parties because it would enable the voice message to be indexed and searched as taught by Davidson (col. 1, lines 44-53).

16. As per claim 8, Wolfe teaches a method comprising:

processing a plurality of speech files to produce a plurality of indexed speech file transcripts (converts the dictation information into text and indexes the documents according to their current status and selectable subdirectories, col. 4, lines 29-37, col. 8, lines 32-51 and 57-65); and

providing the one or more voicemail message transcripts to the one or more parties specified by the one or more users (transcriptionist alters the distribution information, col. 7, lines 41-46).

Wolfe does not teach identifying at least a portion of one or more of the voicemail message transcripts for delivery to one or more parties.

Reynar teaches a speech to text system that selects a portion of the text that was generated from the speech to synthesize (col. 4, lines 39-51).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe to select only a portion of the message as taught by Reynar to deliver to one or more parties because this would allow the user to send only the errorless text, hence providing less confusion for the recipient.

Wolfe and Reynar do not teach providing the selected portions in both text and audio format.

Davidson teaches a messaging system that converts a voicemail message to email and sends the audio file along with the text (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe and Reynar to provide audio files to the recipient parties because it would enable the voice message to be indexed and searched as taught by Davidson (col. 1, lines 44-53).

17. As per claim 9, Wolfe teaches wherein processing the plurality of speech files to produce a plurality of indexed speech file transcripts comprises: receiving the plurality of speech file transcripts; performing automatic speech recognition upon the speech files; and indexing the speech files (receives acoustical reference files, transcribes them using a speech recognition support device and indexes the documents according to their current status and selectable subdirectories, col. 4, lines 29-37, col. 8, lines 32-51 and 57-65).

18. As per claim 10, Wolfe suggests the speech files are voicemail messages (input can be a interactive telephony application hence suggesting a voicemail system, col. 6, lines 22-29).

19. As per claim 11, Wolfe, Reynar and Davidson do not teach the selection portion of the one or more voicemail message transcripts comprises a plurality of non-contiguous portions of one or more voicemail message transcripts.

However, the Examiner takes Official Notice that non-contiguous selection of text is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe and Reynar so that the selected portion comprises a plurality of con-contiguous portions because it would allow multiple sections of the text to be selected by the user hence making the system more versatile for the user.

20. Claim 12 is rejected for the reasons given above in claim 8.

21. As per claim 13, Wolfe and Reynar do not teach audio files of the voicemail messages are provided to the one or more parties specified by the one or more users.

Davidson teaches a messaging system that converts a voicemail message to email and sends the audio voicemail file along with the text (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe and Reynar to provide audio files to the recipient parties because it would enable the voice message to be indexed and searched as taught by Davidson (col. 1, lines 44-53).

22. As per claim 14, Wolfe teaches sending the text by electronic mail (forwarded to a final destination via e-mail, col. 5, lines 51-56).

23. As per claim 15, Wolfe teaches the text is placed within the body of the email (the text would necessarily be placed in the body, col. 5, lines 51-56).

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saindon et al. (U.S. Pat. 6,820,055) and Padmanabhan et al. (U.S. Pat. 6,219,638) teach methods of voicemail to email transcription. Epstein et al. (U.S. Pat. 6,327,343) and Greco et al. (U.S. Pat. 5,568,540) teach voicemail systems that index and send messages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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04/19/05

DAVID L. OMETZ
PRIMARY EXAMINER